

GOVERNMENT OF ANDHRA PRADESH  
A B S T R A C T

SUITS – LA – SRSP – Karimnagar District – O.P.No.618/85 pertaining to Nusthulapur (V) Karimnagar (Mandal) - Sanction of decretal charges of **Rs.1,65,28,386/-** Orders – Issued.

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IRRIGATION & CAD (PW.LA.III.A1) DEPARTMENT

G.O.RT.NO. 176

DATE:02.03.2009

Read:

From the Spl.CS to Govt & CCLA, AP, Hyd.Lr.No.SRP2/1325/08, dt: 29.01.09 along with the proposal of the Spl.Collector, LA,SRSP, SSP& JCRGLIP,Hyd.

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O R D E R:

The Special Chief Secretary & Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has submitted the proposals for sanction of decretal charges in respect of O.P.NO.618/85 pertaining to Nusthulapur (Village) Karimnagar (Mandal & District). The then LAO, LA Unit, LMD Colony, Karimnagar has acquired the land for an extent of 36543.53 sq.mts for submergence under LMD Reservoir and passed an Award No.2/84-85, dt:28.09.1984. Having dissatisfied, the awardees filed petitions u/s.18 of L.A.Act and referred the cases to the Sub-ordinate Judge Court, Karimnagar. The Sub-ordinate Judge Court, Karimnagar in its orders dt:13.03.1989 has enhanced in respect of the house by 90% up to Rs.10,000/-, 80% upto Rs.20,000/-, 70% upto Rs.50,000/-, 60% upto Rs.75,000/- and 50% more Rs.75,000/- than awarded by the LAO, that the compensation in respect of House-site be and is hereby enhanced @Rs.10/- but it shall limit of Ac.0.04 gts and Rs.3.75, Rs.2/- and 0.75 respectively per sq.mt and excess at the rate for Agrl.Dry lands Rs.6,500/- per acre and Rs.3.75 and 0.75 respectively per sq.mtr and Rs.6,500/- per acre land situated around agricultural wells @Rs.6,500/- dry by the LAO. The compensation of other property i.e trees etc be and is confirmed as by the LAO. As the enhancement was more than 50% the SDC has filed an appeal. The Hon'ble High Court in its orders dt:20.10.89 in CMP No.18527/89 in A.S.No.2610/89 passed interim orders to deposit entire enhanced compensation amount. Accordingly, an amount of Rs.61,55,743/- has been deposited on 28.12.1989. The Hon'ble H.C in A.S.No.2610/89 dt:17.07.1998 allowed the cross objections made by certain claimants and in modification of the decree of the Lower Court the Hon'ble High Court ordered and decreed that the claimants are entitled to compensation at two times of the market value fixed by the LAO and they are entitled to statutory benefits like solatium, additional amount and interest as provided under the Amending Act, 68 of 1984.

2) After careful examination of the matter, Government hereby accord sanction for an amount of Rs.1,65,28,386/- (Rupees One crore sixty five lakhs twenty eight thousand three hundred and eighty six only) in respect of O.P.NO.618/85 of Nusthulapur (V) Karimnagar (Mandal & District) subject to verification whether the reference under section 18(1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Section 18 reference was made contrary to the rules/guidelines issued by the Govt/ Special Chief Secretary to Government & Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired.

(PTO)

Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

3) The Special Collector, LA, SRSP, SSP & JCRGLIP, Hyderabad may be directed to follow the directions issued by the Hon'ble High Court on 30.04.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of the O.P.No.618/85 for avoiding intervention of the middlemen. He may also be directed to take a suitable disciplinary action by issuing Charge Memo under CCA rules against the Special Deputy Collector, LA Unit, LMD Colony, Karimnagar and the concerned case worker who are responsible for the delay in submitting the proposals for sanction of decretal charges in respect of O.P.No.618/85 and also for driving the claimants to the Lokayukta since orders passed by the Hon'ble High Court dt:17.07.1998 in A.S.No.2610/89. and also by recovering interest of 15% on difference of land value paid by the Government from 17.07.1998 to the date of deposit of the payment in the concerned court.

4) The expenditure sanctioned in para (2) above, shall be debitible to the following Head of Account under "2701 – Capital Out Lay – M&MI-01 – Major Irrigation – 116. SRSP Stage-I, Scheme included in Plan, G.H (11) Normal State Plan – S.H (26) Dams and Appurtenant works – 530 - Major works – 532 – Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

5) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.712/F4(2)/2009-1, dated 02.03.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS  
SECRETARY TO GOVERNMENT

To

The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.

The Special Collector, LA, SSP, JCRGLIP, Tarnaka, Hyderabad.

The Special Deputy Collector, LA Unit-I, LMD Colony, Karimnagar.

The Administrative-cum-Chief Engineer, SRSP, M.J.Road, Hyderabad.

The Director of Works Accounts, SRSP, Hyderabad.

Copy to: P.S. to Minister (M& MI).

Finance (W&P) Department/File C.No.34725/LA.III(A1)/2008.

SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER